

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

UNITED STATES OF AMERICA )  
v. ) No. 3:12-00040  
JOHN WESLEY NEWELL ) Chief Judge Haynes  
Defendant. )

**MOTION TO EXTEND DEADLINE**  
**GOVERNMENT'S MOTION TO EXCLUDE EXPERT TESTIMONY**

Comes now the Defendant, by and through counsel, and respectfully moves the Court to extend the deadline for responding to the Government's Motion to Exclude Expert Testimony of Dr. David Ross (Doc. 79) until December 2, 2013. For cause, the Defendant would show the Court that his expert, Dr. David Ross, is unavailable to assist defense counsel in responding to the motion until after November 19, 2013. Moreover, defense counsel is in receipt of two (2) Pre-sentence Investigation Reports for two (2) Spanish -speaking clients, one of whom is housed at the Grayson County Detention Facility. Review and response to these Pre-sentence Investigation Reports must be completed by November 21, 2013 and will require at least a day and half of defense counsel's time in travel and meeting time with the clients.

Additionally, in order to best respond the Government's Motion and to best assist the Court in considering the Motion, defense counsel intends to consult with Dr. David Brigham, a professor at Florida State University, who is pre-eminent in the field of eyewitness identification. Dr. Brigham is very conversant with *Daubert-related* issues and his assistance is critical to Defefdnat's response. (Curriculum Vitae attached).